

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Ryan Smith on December 18, 2009.

3. **In Claim 1, line 11, replace** "opposite the depression" with --opposite the depression; wherein:

one end of the groove corresponds to a start of a first compartment;

the graduations divide the groove into the series of compartments;

the graduations define the quantity of composition in each of the series of compartments of the groove;

a volume of each of the compartments is defined by a length of the compartment in the axial direction;

the applicator stick includes a flared circular portion and a narrow portion;

the narrow portion extends from a first end of the applicator stick to the flared circular portion in an axial direction of the groove;

the circular portion extends beyond the groove in an axial direction of the groove to a second end of the applicator stick;

the circular portion includes a greater width than the narrow portion in a transverse direction of the applicator stick;
the circular portion is dimensioned and configured so as to facilitate handling the applicator stick; and
the composition is calcitriol ointment--.

4. **In Claim 5, line 1, replace “claim 2” with --claim 1--.**
5. **In Claims 10-13, replace “claim 9” with --claim 3--.**
6. **In Claim 25, replace “claim 24” with --claim 1--.**
7. **Cancel Claims 2, 4, 9, 14-20, 24, and 26.**

Reasons for Allowance

8. Claims 1, 3, 5-8, 10-13, 21-22, 25, and 27 are allowed. The following is an examiner's statement of reasons for allowance: The closest prior art is U.S. Patent Nos. 4,486,194 to Ferrara, 532,359 to Bradley, 4,619,654 to Abplanalp, and 6,284,234 to Niemiec, and UK Patent Application Publication No. GB 2279254 A to Davidson.
9. Ferrara teaches most of the claimed limitations, including a metering device, an applicator stick, a longitudinal groove divided into a series of compartments, the groove accommodating a quantity of composition corresponding to a defined surface area of

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skin to be treated, the quantity of composition defined by the series of compartments, and the groove defining an uncovered depression in the top surface of the applicator stick. Ferrara teaches the applicator stick having a narrow portion, and a wider portion of the stick being configured to facilitate handling. Ferrara does not teach a flared circular portion. Ferrara teaches away from the wider portion extending beyond the groove to a second end of the applicator stick in the axial direction of the groove. Ferrara does not teach the composition being calcitriol ointment.

10. Bradley teaches some of the claimed limitations, including an applicator stick, an uncovered groove accommodating a quantity of composition, and a wider circular portion extending beyond the groove which is configured to facilitate handling the applicator stick. Bradley does not teach graduations perpendicular to the groove, nor the graduations extending from a top surface of the applicator stick in a depth direction of the groove. Bradley does not teach the composition being calcitriol ointment.

11. Davidson teaches some of the claimed limitations, including a series of compartments which define the quantity of composition, and a flared circular portion at one end of an applicator stick. Davidson does not expressly teach graduations. Davidson does not teach a groove or calcitriol ointment. Davidson is intended for liquid medications, rather than ointments.

12. Abplanalp teaches some of the claimed limitations, including a metering device for a pharmaceutical product. Abplanalp teaches grooves with graduations that define a quantity of composition. Abplanalp does not teach an applicator stick or calcitriol ointment.

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13. Niemiec teaches some of the claimed limitations, including the use of calcitriol, and teaches ointments and skin patches. Niemiec does not teach an applicator stick or a groove.

14. Motivation is lacking to combine the limitations of the various references together to produce the complete invention as claimed.

15. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAULA L. CRAIG whose telephone number is (571) 272-5964. The examiner can normally be reached on 8:30 AM-4:00 PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PAULA L. CRAIG/
Examiner, Art Unit 3761

/Leslie R. Deak/
Primary Examiner, Art Unit 3761
20 December 2009